

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1884 of 2024

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Bhupendra Singh Son of Rambijay Singh Resident of Kukraha Dalippur, P.O.-
Dalippur, P.S.- Angiyav Bazaar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Food and Civil Supply,
Government of Bihar, New Secretariat, Patna.
2. The Divisional Commissioner, Patna Range.
3. The District Magistrate Bhojpur (Ara).
4. The Sub Divisional Officer, Piro, Bhojpur.
5. The Block Development Officer, Piro, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Adv.
	:	Ms. Manini Jaiswal, Adv.
For the Respondent/s	:	Mr. Venkatesh Kirti, JC to GA2

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 05-07-2024 Heard learned counsel representing the petitioner and
learned counsel representing the State.

2. Petitioner, in the present case, is challenging the
order dated 25.06.2021 passed by the Sub-Divisional Officer,
Piro, Bhojpur by which the Public Distribution Shop license of
the petitioner bearing License No. 33/2016 has been cancelled
and the same has been affirmed by the appellate and revisional
authority without application of mind in a mechanical manner.

3. Learned counsel has taken to this Court through the
order contained in Memo No. 224A dated 25.06.2021 passed by
the Sub-Divisional Officer from which this Court finds that after



issuance of the show cause, as contained in Annexure-P/1 to the writ application, the petitioner submitted his reply, vide Annexure-P/2, the said reply was sent to the Block Development Officer and his comments were invited thereon. In his comment, the Block Development Officer once again reiterated his views and then taking those views as sacrosanct, the Sub-Divisional Officer has passed the order of cancellation of license of the petitioner.

4. This Court is satisfied from the reading of the impugned order, as contained in Annexure-P/3 to the writ application, that the Sub-Divisional Officer, Piro, Bhojpur has not given an independent consideration to the case of the petitioner prior to issuance of the impugned order.

5. Further, the authority, except stating that the reply to the Show Cause Notice is not satisfactory, has not given any reason for rejecting the explanation. In the given facts and circumstances of the case, the impugned order passed by the Divisional Commissioner dated 19.10.2023 and the order dated 05.04.2022 passed by the District Magistrate, Bhojpur and contained in memo No. 224A dated 25.06.2021, issued by the Sub-Divisional Officer, Piro, Bhojpur are set aside. The Sub-Divisional Officer, Piro, Bhojpur (respondent No. 4) shall now



consider the reply of the petitioner afresh and after applying his independent and judicious mind he may pass a fresh order thereon. In case, the petitioner has anything more to submit, he can do that by submitting his written submissions within a period of fifteen days from today.

6. The whole exercise will be completed by the Sub-Divisional Officer, Piro, Bhojpur (respondent No. 4) within a period of 90 days from the date of receipt/production of a copy of this order.

7. The writ application stand allowed to the extent indicated hereinabove.

(A. Abhishek Reddy, J)

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